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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,957	11/24/2003	Jonah Harley	10030477-1	9406

7590 12/07/2006

AGILENT TECHNOLOGIES, INC.  
Intellectual Property Administration  
Legal Department, DL429  
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EXAMINER

LIANG, REGINA

ART UNIT

PAPER NUMBER

2629

DATE MAILED: 12/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/723,957		HARLEY ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Regina Liang		2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2006.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 4, 8, 15, 16 and 19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4, 8, 15, 16, 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This Office Action is responsive to amendment filed 9/25/06. Claims 4, 8, 15, 16 and 19 are pending in the application.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 8 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Sherriff et al (GB 2 247 938 hereinafter Sherriff).

As to claim 8, Figs. 14-16 of Sherriff discloses a pointing device (puck), comprising: a surface having a puck field of motion defined thereon (62 in Fig. 14); a moveable puck comprising a user sensor ("click" switches 69) that detects an interaction between a user and the puck, the puck being confined to move within the puck field of motion (62); and a position detector (capacitor plates 67, 68) that measures the position of the puck in the puck field of motion, wherein the user sensor ("click" switches) detects a change in capacitance associated

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with an electrode on the puck (capacitor plates 72 and 76 for sensing switch information; see page 10, lines 16-31).

As to claim 15, Figs. 14-16 of Sherriff discloses a pointing device (puck), comprising: a surface having a puck field of motion defined thereon (62 in Fig. 14); a moveable puck comprising a user sensor ("click" switches 69) that detects an interaction between a user and the puck, the puck being confined to move within the puck field of motion (62); and a position detector (capacitor plates 67, 68) that measures the position of the puck in the puck field of motion, wherein the position detector (capacitor plates 37, 38) comprises surface electrodes (capacitor plates 38) on the surface and a puck electrode (capacitor plates 67) that moves with the puck, wherein the position detector (capacitor plates 67, 68) measures the capacitance between the surface electrodes (capacitor plates 68) and the puck electrode (capacitor plates 67 for sensing position sensing; see page 10, lines 16-31).

5. Claim 19 is rejected under 35 U.S.C. 102(e) as being anticipated by Maatta et al (US 6,762,748 hereinafter Maatta).

As to claim 19, Figs. 3-5 of Maatta discloses a pointing device, comprising: a surface having a puck field of motion defined thereon; a moveable puck (402, 404 in Fig. 4) being confined to move within the puck field of motion; a position detector (Hall sensors 420) that measures the position of the puck in the puck field of motion; and a restoring mechanism (magnets M1, M2) that returns that puck to a predetermined area in the puck field of motion, wherein the restoring mechanism comprises a first magnet (M1) on the puck and a second

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magnet (M2) that is fixed with respect to the puck field of motion (Fig. 2, and col. 5, lines 24-53).

***Claim Rejections - 35 USC § 103***

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maatta in view of Sherriff.

Note the discussion of claim 19 above. Maatta does not disclose the moveable puck comprising a user sensor that detects an interaction between a user and the puck. However, Sherriff teaches a moveable puck comprising a user sensor ("click" switch 41 in Fig. 11 for example) that detects an interaction between a user and the puck. Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the moveable puck of Maatta to have a switch as taught by Sherriff since this enables the position of the puck member in the Z dimension to be determined and can be used to produce an analogue value and/or to control a respective switch (page 4, lines 1-4 of Sherriff).

7. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sherriff in view of Yoshikawa et al (US 5,815,139 hereinafter Yoshikawa).

As to claim 16, Sherriff discloses a pointing device (puck), comprising: a surface having a puck field of motion defined thereon (62 in Fig. 14); a moveable puck comprising a user sensor ("click" switches 69) that detects an interaction between a user and the puck, the puck being confined to move within the puck field of motion (62); and a position detector (capacitor plates 67, 68) that measures the position of the puck in the puck field of motion, wherein the position

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detector comprises surface electrodes (68) on the surface and a puck electrode (67) that moves with the puck.

Sherriff does not disclose the position detector measures current flowing between selected ones of the electrodes. However, Fig. 2 of Yoshikawa teaches a pointing device comprising a resistance position detector (tablet sheet 6) for measuring current flowing between selected ones of the electrodes (60a, 60b, 61a, 61b; see col. 6, lines 28-67). Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the pointing device of Sherriff to have a position detector for measuring the current flowing between selected ones of the electrodes as taught by Yoshikawa because the capacitance position detector and the resistance position detector are alternative for each other and because this will enhance the degree of freedom for input operation of the relative manipulated variable input device and hence will improve its operability (col. 11, lines 9-11 of Yoshikawa).

### *Response to Arguments*

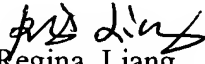
8. Applicant's arguments with respect to claims 4, 8, 15, 16, 19 have been considered but are moot in view of the new ground(s) of rejection.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Regina Liang whose telephone number is (571) 272-7693. The examiner can normally be reached on Monday-Friday from 8AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on (571) 272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Regina Liang  
Primary Examiner  
Art Unit 2674

12/5/06